

1021-19

Written Request for a Ruling of Law from a member of the Dakotas Annual Conference

In accordance with ¶¶51 and 2609 of the Book of Discipline, I request a bishop's decision of law on the following questions, in light of Book of Discipline ¶¶304, 341, 362, and 2702 604.1, Judicial Council Decisions #886, 1115, 1329, 1340, 1399 and other relevant church law:

1. Does “1.2 Resolution A Vision for a More Just Church” negate, ignore, or violate church law?
2. Does “1.2 Resolution A Vision for a More Just Church” impermissibly express encourage violations of church law or discourage the enforcement of church law?
3. Does the adoption of this resolution negate or limit the obligation and duty of members of the board of ordained ministry and members of district committees on ministry under Discipline Paragraph 304.5, as amended by the 2019 General Conference, and other relevant church law to conduct “full examination and thorough inquiry” for ministry candidates and to decline to approve any candidate who does not meet the qualifications of Discipline Paragraph 304.1-3?

District gatherings were held over the lunch hour.

Plenary Session III

Bishop Haller called the session back to order with prayer. Richard Wahlstrom, layman from Rapid City Canyon Lake, moved the previous question. After the question was called and before the final speech on the disaffiliation, Stravia raised a point of order alleging it was improper for the chair to enforce an order of the day (lunch) while a speaker was seeking recognition. The bishop defeated the point saying that speaker was simply not recognized before the question was properly called.

The motion to call the question was affirmed, and the body moved to a paper-ballot vote on the motion from the Trustees. Secretary Laffey told the tellers that red name tags do not vote. Only purple and green badges are eligible to vote.

As the tellers were distributing ballots, Rev. Taylor Johnson, clergyman from Sioux Falls First, raised a point of clarification. He asked the chair to define the effect of “yes,” and “no,” votes. Chancellor Ottmar said a “yes” vote would ratify the terms of the contract and a “no” vote would nullify the contract. If the motion failed, Ottmar said, it would fall back to Prairie Winds to decide how to proceed.

Stravia raised a question about the validity of the votes cast on ballots then under distribution. He asked, since the body had allowed non-members to sit amongst voting members inside the bar of the conference, how would tellers be able to ascertain ballots were going only to voting members? Noting that visitors all wear the same color of name tags, Bishop Haller reiterated Laffey’s instructions to the tellers adding a requirement for them to check the color of the name tags before issuing ballots. Following a prayer by Rev. Rebecca Trefz, the members ratified the disaffiliation agreement between the Dakotas Conference Board of Trustees and Prairie Winds by a vote of 233 members voting yes and 122 members voting no.

Laywoman Sheri Meister, executive director, called the corporate session of the Dakotas United Methodist Foundation to order. She reported the Foundation has \$41 million in assets. Jack Marsh from Sioux Falls First, member of the scholarship committee, spoke about the scholarship committee and to celebrate the nearly \$100,000 the Foundation givesaway annually in scholarships to seminary students. He also read from a thank you note from a scholarship recipient.

The Strategy Team report was given by Rev. Barry Whipkey, Rapid City First, and Jennifer Larsen, Sioux Falls First. The Strategy Team presentation included discussion questions for attendees which also provided information for the team to assist them in their work.

Nancy Hallenbeck, laywoman from Sioux Falls First and member of the Nominations Committee, moved the Nominations report for approval with the following corrections:

Common Table, Extended Cabinet, Nominations, Episcopacy:

John Srstka – add as new co-lay leader

Sessions: Brandon Vetter – add as new host clergy

JoAnn Early – add as new host volunteer coordinator

CCFA: William Kluckman – add as new lay member

Josh Willprecht – correct to not italicized as clergy

Missional Leaders, SW District: Jo Anne Hipple - correct name spelling

Common Table: Terry Nebelsick – correct to italicized as lay

NE DCOM: Ernie Wight – correct name and email spelling

Steve Olson – remove

Corrections were noted. After a prayer by Rev. Duane Coates, a clergyman serving Hettinger and agenda coordinator, the nominations report was affirmed as corrected.

The Rev. Rebecca Trefz, chairwoman of the Resolutions and Petitions Committee, said the committee could not come to consensus on a recommendation (required by Conference Rule 7.5.4) as to whether the conference should pass or not pass either resolution in their current forms.

Resolution 1.2- A Vision for a More Just Church was moved by Rev. Brett Roes, clergy of Rapid City Canyon Lake. Bishop Haller announced the discussion on the resolution would involve a maximum of three speeches for and three against the resolution. There were three speeches for and three against. Rev. Jennifer McDonald, a clergywoman serving Jamestown St. Paul, raised a question about the function of the discussion underway, given the information from the Resolutions and Petitions Committee. Rev. Trefz, chairwoman of the committee, recognized by the chair, answered saying that the committee's lack of recommendation didn't hinder the body from considering the merits of the resolution currently under consideration on the floor.

Rev. Gwen Mader, retired clergywoman, moved to postpone this resolution until 2022. After a speech for and against, Rev. Ross Reinhiller, clergyman serving Faith UMC in Williston, called the question on postponement. The motion to call the question passed. The motion to postpone the resolution failed. The conversation was paused for afternoon break.

Pleenary Session IV

Bishop Haller called the session back to order. The discussion continued and an amendment to Resolution 1.2 was presented by David Novstrup, layman of Aberdeen First. The amendment was as follows:

Whereas, all people, including lesbian, gay, bisexual, transgender, and queer people (LGBTQ+), are of sacred worth, beloved by God, made in the image of God, called by God, and are essential members of The United Methodist Church (UMC), including the Dakotas Annual Conference; and

~~**Whereas, The UMC has repeatedly harmed its LGBTQ+ members and clergy persons through its restrictive policies around ordination and same-sex marriages (*Discipline*, ¶161.C, ¶304.3, *Petitions* 90032, 90036, 90042, 90043,); and**~~

~~**Whereas, many LGBTQ+ members and clergy persons have remained faithful to the UMC, continuing to offer their prayers, presence, gifts, service, and witness, despite being labeled as “incompatible with Christian teaching” (*Discipline*, ¶304.3); and**~~

~~**Whereas, *The Book of Discipline* urges the inclusion of all people in the life of the church (*Discipline*, ¶214); and**~~

~~**Whereas, the Dakotas Annual Conference has resolved to include our LGBTQ+ siblings, celebrate their gifts, be in ministry with them, and work to eliminate all discriminatory language, restrictions, and penalties in the *Discipline* regarding LGBTQ+ persons;**~~

~~**Therefore, be it resolved, we urge the Annual Conference work to welcome all sinners with love, grace and truth. Dakotas Conference of the United Methodist Church to intentionally invite and welcome LGBTQ+ persons at all levels of leadership; and**~~

~~**Be it further resolved, we urge the Board of Ordained Ministry to not consider a candidates’ sexual orientation in evaluating qualifications for ordination; and**~~

~~**Be it further resolved, we urge local United Methodist Churches in the Dakotas Conference to welcome and include LGBTQ+ members in full participation within the local church; and**~~

~~**Be it further resolved, we respect our clergys’ faithful discernment regarding whom they will and will not marry—knowing that some will choose to marry same-sex couples and others will not; and**~~

~~**Be it further resolved, we urge the Bishop to refrain from conducting clergy trials related to ordinations of LGBTQ+ persons or same-sex marriages.**~~

After one speech for and one against, the Rev. Joel Wickler offered a prayer over the vote on the amendment. The amendment did not pass. After more discussion on the main motion, Rev. Charlie Moore, a clergyman serving Sioux Falls Sunnycrest, called the question. The body approved calling the previous question. After a final speech by Rev. Brett Roes, in which he announced he is a transgender clergyman, the Rev. Rebecca Trefz offered a prayer. The vote was taken, and the resolution passed with 179 votes for and 172 against.

After the vote was announced, Rev. John Price, retired clergyman serving Winner, made a formal written request for a bishop’s decision of law on aspects of the resolution just passed. The request asked:

In accordance with ¶¶51 and 2609 of the *Book of Discipline*, I request a bishop’s decision of law on the following questions, in light of *Discipline* ¶¶304, 341, 362, and 2702 604.1, Judicial Council Decisions #886, 1115, 1329, 1340, 1399 and other relevant church law:

1. Does “1.2 Resolution A Vision for a More Just Church” negate, ignore, or violate church law?
2. Does “1.2 Resolution A Vision for a More Just Church” impermissibly express encourage violations of church law or discourage the enforcement of church law?

Does the adoption of this resolution negate or limit the obligation and duty of members of the board of ordained ministry and members of district committees on ministry under Discipline Paragraph 304.5, as amended by the 2019 General Conference, and other relevant church law to conduct “full examination and thorough inquiry” for ministry candidates and to decline to approve any candidate who does not meet the qualifications of Discipline Paragraph 304.1-3?

Board of Ordained Ministry Chair, Rev. Val Reinhiller, a clergywoman connecting Faith UMC in Williston with the surrounding community, presented those clergy who will be retiring: Revs. Ken Ballard, Dave Motta, and Rick Pittenger, present, and Revs. Rod Tkach and Jeffrey Neuberger, in abstention. Those retirees who spoke (Ballard and Pittenger from Sioux Falls and Motta from Fargo) presented their farewell points of privilege with their wives by their sides

CCFA brought back a recommendation to increase the 2022 Budget Proposal to include the payment of the General Church apportionments at the 2016 rate, approximately \$225,000. After a prayer by Rev. Josh Wilprecht, clergyman serving Brandon Celebration, the 2022 Budget Proposal was approved as amended.

Moved by Rev. Rebecca Trefz, the Consent Calendar was approved by consensus. Resolution 1.3 – Preparing for Denominational Separation was presented by Jeff Pospisil, conference treasurer. After a prayer by Rev. Kris Mutzenberger, clergywoman serving as superintendent of the Northeast District, the resolution passed with a vote of 294 yes votes, and 40 no votes.

Chair of the Board of Pensions and Health Benefits, Elaine Roberts from Sioux Falls Wesley, moved that we open the corporate session of BOP. Bishop Haller declared the session open. Elaine presented the members of the Board, including new member, Kevin Klare, layman from Dell Rapids, to be approved. Leanna Stunes, laywoman of Mitchell Downtown First and Conference Benefits Officer, discussed new proposed legislation regarding eligibility for health insurance, the opportunity to opt-out of coverage and the effect these changes have on the direct bill to local churches. (The updated policy can be found in section X. Rules and Policies in the Conference Journal.) Stunes then moved election of the new members and acceptance of the Pensions report, containing the changes to the health insurance policy. After a prayer by Rev. Roy Caudill, retired clergyman, the Pensions report and new members were approved. Executive session closed.

The Rev. Ray Baker, clergyman serving Fargo Faith, raised a question about the meaning and effect of Price’s request for a bishop’s rule of law. Bishop Haller said it is a process that she has 30 days to answer. The bishop then allowed Baker to have a point of personal privilege. During the point, Baker said he and his fellow writers of the resolution intended it to be entirely aspirational.

Bishop Haller shared thank yous and closed the session with prayer.

[Bishop Haller's Submission]

On Friday, June 11, 2021, during the plenary session of the Dakotas Annual Conference, the following resolution, duly submitted to the conference in accord with our rules was debated and voted upon. The resolution had been approved:

Resolution 1.2A Vision for a More Just Church

Whereas, lesbian, gay, bisexual, transgender, and queer people (LGBTQ+) are of sacred worth, beloved by God, made in the image of God, called by God, and are essential members of The United Methodist Church (UMC), including the Dakotas Annual Conference; and

Whereas, The UMC has repeatedly harmed its LGBTQ+ members and clergypersons through its restrictive policies around ordination and same-sex marriages (*Discipline, ¶161.C, ¶304.3, Petitions 90032, 90036, 90042, 90043,*); and

Whereas, many LGBTQ+ members and clergypersons have remained faithful to the UMC, continuing to offer their prayers, presence, gifts, service, and witness, despite being labeled as “incompatible with Christian teaching” (*Discipline, ¶304.3*); and

Whereas, *The Book of Discipline* urges the inclusion of all people in the life of the church (*Discipline, ¶214*); and

Whereas, the Dakotas Annual Conference has resolved to include our LGBTQ+ siblings, celebrate their gifts, be in ministry with them, and work to eliminate all discriminatory language, restrictions, and penalties in the Discipline regarding LGBTQ+ persons;

Therefore, be it resolved, we urge the Dakotas Conference of the United Methodist Church to intentionally invite and welcome LGBTQ+ persons at all levels of leadership; and

Be it further resolved, we urge the Board of Ordained Ministry to not consider a candidates' sexual orientation in evaluating qualifications for ordination; and

Be it further resolved, we urge local United Methodist Churches in the Dakotas Conference to welcome and include LGBTQ+ members in full participation within the local church, and

Be it further resolved, we respect our clergys' faithful discernment regarding whom they will and will not marry – knowing that some will choose to marry same-sex couples and others will not; and

Be it further resolved, we urge the Bishop to refrain from conducting clergy trials related to ordinations of LGBTQ+ persons or same-sex marriages.

The vote was to approve the resolution: 179 in favor and 172 opposed.

Text of Written Request:

The Rev. John Price made a request of Bishop for a ruling of law offering the following rationale and questions:

In accordance with ¶¶51 and 2609 of the Book of Discipline, I request a bishop's decision of law on the following questions, in light of Book of Discipline ¶¶304, 341, 362, and 2702 604.1, Judicial Council Decisions #886, 1115, 1329, 1340, 1399 and other relevant church law:

1. Does "1.2 Resolution A Vision for a More Just Church" negate, ignore, or violate church law?
2. Does "1.2 Resolution A Vision for a More Just Church" impermissibly express encourage violations of church law or discourage the enforcement of church law?
3. Does the adoption of this resolution negate or limit the obligation and duty of members of the board of ordained ministry and members of district committees on ministry under Discipline Paragraph 304.5, as amended by the 2019 General Conference, and other relevant church law to conduct "full examination and thorough inquiry" for ministry candidates and to decline to approve any candidate who does not meet the qualifications of Discipline Paragraph 304.1-3?

Decision of Law by Bishop Haller

Judicial Council decision 886 clearly states that annual conferences "may not legally negate, ignore, or violate provisions of the *Discipline*." The Council has also ruled that an Annual Conference may not pass a resolution if "the action ignores Church Law and encourages a violation of Church Law" (JCD 1292). However, the Judicial Council in decision 1052 stated that "Annual Conferences are free to express their ideals, and opinions as long as they do not attempt to negate, ignore, or contradict the *Discipline*," and in decision 1120 affirmed that "an annual conference may adopt a resolution on human sexuality that is aspirational in nature." In subsequent decisions (e.g. 1340, 1406), the Judicial Council has continued to affirm that annual conferences may adopt resolutions that are aspirational in nature.

Does resolution 1.2 negate, ignore or contradict the *Discipline* in ways specified in the request for a ruling of law? Does it encourage violation of the *Discipline*? Does it encourage teaching of doctrines contrary to the *Discipline* in ways specified in the request for a ruling of law? Does it take away the *Disciplinary* authority of members of the board of ordained ministry and members of district committees on ministry? Resolution 1.2 is aspirational in overall intent. In consultation with the conference chancellor, Dakotas Conference Cabinet, with reference to Judicial Council decisions and the Book of Discipline I will address the language within each of the paragraphs of the resolution.

Resolution 1.2, paragraphs one through five, the Whereas sections, frame the aspirational intent of the resolution. These paragraphs closely mirror, Article 4 of the *Discipline*. Beyond that, the resolution is rooted in values already expressed in *Disciplinary* paragraph 161.G: *We affirm that all persons are individuals of sacred worth, created in the image of God. All persons need the ministry of the Church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self.... We affirm that God's grace is available to all.... We implore families and churches not to reject or condemn lesbian and gay members and friends. We commit ourselves to be in ministry with all persons.*

Paragraph six: “Therefore, be it resolved, we urge the Dakotas Conference of the United Methodist Church to intentionally invite and welcome LGBTQ+ persons ~~at all levels of leadership.~~” I interpret the term leadership in this paragraph, to mean both clergy and lay leadership. Pastors are required to follow the *Discipline*. I am ruling the usage of the term “leadership” within this paragraph as null and void.

Paragraph seven: “~~Be it further resolved, we urge the Board of Ordained Ministry to not consider a candidates’ sexual orientation in evaluating qualifications for ordination.~~” The extent of the directiveness of this paragraph, as it is worded, encourages violation of church law defined in *The Book of Discipline*. Therefore, this entire paragraph I am ruling as null and void.

Paragraph eight: “Be it further resolved, we urge local United Methodist Churches in the Dakotas Conference to welcome and include LGBTQ+ members in full participation within the local church.” The wording is aspirational and directive and meets the parameters of the *Discipline*. One could argue that it is an embodiment of seeking to be in ministry with and for all persons.

Paragraph nine: “~~Be it further resolved, we respect our clergys’ faithful discernment regarding whom they will and will not marry — knowing that some will choose to marry same sex couples and others will not.~~” This language is prescriptive and a violation of current church law and the *Discipline*. Therefore, I declare this paragraph as null and void.

Paragraph ten: “~~Be it further resolved, we urge the Bishop to refrain from conducting clergy trials related to ordinations of LGBTQ+ persons or same sex marriages.~~” This paragraph is declared null and void. It is a directive that violates *The Book of Discipline*.

I have no doubt that the authors of this resolution, and many of those who supported it, are in favor of, and would encourage persons to work for, changes in The United Methodist Church wherein the possibilities for inclusion of certain persons are expanded within the *Discipline*. Nevertheless, I think they also understand the parameters of the current *Book of Discipline* and wanted to make an aspirational statement about the direction of the Dakotas Conference. As statement of aspiration, with its directive force circumscribed as above, Resolution 1.2 can stand as approved by the Dakotas Conference.

Furthermore, the resolution does not interfere with the teaching of pastors and congregations regarding United Methodist doctrines. The teaching on marriage and human sexuality cited in the request for a ruling of law comes from paragraph 161. The Social Principles are not understood to be among the standards of doctrine of The United Methodist Church. The doctrinal standards of The United Methodist Church are found in paragraph 104 and include The Articles of Religion, The Confession of Faith, the Standard Sermons of John Wesley, and Wesley’s Explanatory Notes on the New Testament. “The Social Principles, while not considered to be church law, are a prayerful and thoughtful effort on the part of the General Conference to speak to the human issues in the contemporary world from a sound biblical and theological foundation as historically demonstrated in United Methodist traditions.... They are... intended to be instructive and persuasive in the best of the prophetic spirit” (§161). Pastors and congregations are encouraged to teach using the Social Principles, and I personally encourage this practice. However, nothing in Resolution 1.2 interferes with teaching the Social Principles. There are many examples of pastors and congregations who maintain the position of the Social Principles on human sexuality and who also welcome LGBTQ+ persons into membership in the church.

In conclusion, the Resolution, 1.2 “A Vision for a More Just Church,” understood as delineated in this ruling, stands approved with aspirational intent and the above noted words and paragraphs ruled null and void.

1021-19

**INTERESTED PARTIES/PERSONS
TO WHOM COPIES SHOULD BE PROVIDED
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